

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IVERY TREVINO WILLIAMS §
v. § CIVIL ACTION NO. 6:12cv198
DIRECTOR, TDCJ-CID §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Petitioner Ivery Williams, proceeding *pro se*, filed this application for the writ of habeas corpus challenging the legality of disciplinary action taken against him. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Williams complained of a disciplinary case which he received for tampering with a heater and a vent, for which he received seven days of restrictions and a transfer to a less desirable housing assignment. He did not lose any good time and is ineligible for release on mandatory supervision in any event

After filing his petition, Williams was released on parole. On May 11, 2012, the Magistrate Judge issued a Report recommending that the petition be dismissed as moot. The Magistrate Judge concluded that Williams had not shown that he could be subjected to future adverse consequences as a result of this disciplinary case or that he was in any sense “in custody” as a result of it. Thus, the Magistrate Judge said, no case or controversy existed and there was no relief which the Court could grant, rendering the case moot.

Williams received a copy of the Magistrate Judge's Report on or before May 16, 2012, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 14) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus is hereby DISMISSED as moot. It is further

ORDERED that the Petitioner Ivery Williams is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all other motions which may be pending in this civil action are hereby DENIED.

So ORDERED and SIGNED this 1st day of August, 2012.



LEONARD DAVIS
UNITED STATES DISTRICT JUDGE